



General Assembly

**Substitute Bill No. 357**

February Session, 2014



**AN ACT CONCERNING REVISIONS TO ENERGY STATUTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 16a-48 of the 2014 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2014*):

4 (g) Manufacturers of any new products set forth in subsection (b) of  
5 this section [or designated by the Commissioner of Energy and  
6 Environmental Protection] for which (1) no efficiency standards exist  
7 in California, and (2) the Commissioner of Energy and Environmental  
8 Protection adopts efficiency standards, shall certify to the  
9 commissioner that such products are in compliance with the  
10 provisions of this section, except that certification is not required for  
11 single voltage external AC to DC power supplies and walk-in  
12 refrigerators and walk-in freezers. All single voltage external AC to DC  
13 power supplies shall be labeled as described in the January 2006  
14 California Code of Regulations, Title 20, Section 1607 (9). The  
15 commissioner shall promulgate regulations governing the certification  
16 of such products. The commissioner shall publish an annual list of  
17 [such] any new products set forth in subsection (b) of this section on  
18 the department's Internet web site that designates which such products  
19 are certified in California and which such products not certified in  
20 California have demonstrated compliance with efficiency standards

21 adopted by the commissioner pursuant to subparagraph (B) of  
22 subdivision (3) of subsection (d) of this section.

23       Sec. 2. (*Effective from passage*) (a) NuPower Thermal, LLC, with such  
24 persons that shall be associated with it and each other for that purpose,  
25 are constituted a body politic and corporate by the name of "The  
26 Bridgeport Thermal Limited Liability Company" and shall constitute a  
27 thermal energy transportation company, as defined in subsection (a) of  
28 section 16-1 of the general statutes.

29       (b) The Bridgeport Thermal Limited Liability Company shall be  
30 located in the city of Bridgeport.

31       (c) Notwithstanding the provisions of any general statute or any  
32 special act, The Bridgeport Thermal Limited Liability Company is  
33 authorized and empowered either directly or through the agency of its  
34 parent, a subsidiary or an affiliate: (1) To furnish from a plant or plants  
35 located in the city of Bridgeport, heat or air conditioning or both, by  
36 means of hot or chilled water or other medium; (2) to lay, install and  
37 maintain mains, pipes or other conduits, and to erect such other  
38 fixtures and improvements as are or may be necessary or convenient in  
39 and on the streets, highways and public grounds of said city or other  
40 public highways and rights-of-way, for the purpose of carrying heated  
41 or chilled water or other medium from such plant or plants to the  
42 locations to be served and returning the same; and (3) to lease to one or  
43 more corporations or limited liability companies formed under the  
44 general law or specially chartered for the purpose of furnishing heat or  
45 air conditioning, or both, one or more of such plants or distribution  
46 systems, or both, owned by it and constructed or adapted for either or  
47 both of such purposes.

48       (d) The amount of authorized membership units of The Bridgeport  
49 Thermal Limited Liability Company and the required capital  
50 contribution of each member shall be determined by the members of  
51 said limited liability company in its operating agreement.

52 (e) The duration of The Bridgeport Thermal Limited Liability  
53 Company shall be unlimited.

54 Sec. 3. Subsection (a) of section 16a-40g of the 2014 supplement to  
55 the general statutes is repealed and the following is substituted in lieu  
56 thereof (*Effective from passage*):

57 (a) As used in this section:

58 (1) "Energy improvements" means (A) participation in a district  
59 heating and cooling system by qualifying commercial real property,  
60 (B) participation in a microgrid, as defined in section 16-243y,  
61 including any related infrastructure for such microgrid, by qualifying  
62 commercial real property, provided such microgrid and any related  
63 infrastructure incorporate clean energy, as defined in section 16-245n,  
64 as amended by this act, (C) any renovation or retrofitting of qualifying  
65 commercial real property to reduce energy consumption, [(C)] (D)  
66 installation of a renewable energy system to service qualifying  
67 commercial real property, or [(D)] (E) installation of a solar thermal or  
68 geothermal system to service qualifying commercial real property,  
69 provided such renovation, retrofit or installation described in  
70 subparagraph [(B),] (C), [or] (D) or (E) of this subdivision is  
71 permanently fixed to such qualifying commercial real property;

72 (2) "District heating and cooling system" means a local system  
73 consisting of a pipeline or network providing hot water, chilled water  
74 or steam from one or more sources to multiple buildings;

75 (3) "Qualifying commercial real property" means any commercial or  
76 industrial property, regardless of ownership, that meets the  
77 qualifications established for the commercial sustainable energy  
78 program;

79 (4) "Commercial or industrial property" means any real property  
80 other than a residential dwelling containing less than five dwelling  
81 units;

82 (5) "Benefited property owner" means an owner of qualifying  
83 commercial real property who desires to install energy improvements  
84 and provides free and willing consent to the benefit assessment against  
85 the qualifying commercial real property;

86 (6) "Commercial sustainable energy program" means a program that  
87 facilitates energy improvements and utilizes the benefit assessments  
88 authorized by this section as security for the financing of the energy  
89 improvements;

90 (7) "Municipality" means a municipality, as defined in section 7-369;

91 (8) "Benefit assessment" means the assessment authorized by this  
92 section;

93 (9) "Participating municipality" means a municipality that has  
94 entered into a written agreement, as approved by its legislative body,  
95 with the authority pursuant to which the municipality has agreed to  
96 assess, collect, remit and assign, benefit assessments to the authority in  
97 return for energy improvements for benefited property owners within  
98 such municipality and costs reasonably incurred in performing such  
99 duties; and

100 (10) "Authority" means the [Clean Energy Finance and Investment  
101 Authority] Connecticut Green Bank.

102 Sec. 4. (*Effective from passage*) Not later than January 1, 2015, the  
103 Connecticut Green Bank shall submit a report, in accordance with the  
104 provisions of section 11-4a of the general statutes, to the joint standing  
105 committee of the General Assembly having cognizance of matters  
106 relating to energy. Such report shall assess the potential success and  
107 need for a residential property assessed clean energy program,  
108 including, but not limited to, an evaluation of (1) potential consistency  
109 between such a program and the commercial property assessed clean  
110 energy program, as described in section 16a-40g of the general statutes,  
111 as amended by this act, and similar programs on the national level, (2)  
112 the legal framework for a residential property assessed clean energy

113 program, and (3) the need for such a program, in light of similar  
114 current or developing programs at the state or federal level.

115 Sec. 5. Section 16-245n of the general statutes is repealed and the  
116 following is substituted in lieu thereof (*Effective from passage*):

117 (a) For purposes of this section, "clean energy" means solar  
118 photovoltaic energy, solar thermal, geothermal energy, wind, ocean  
119 thermal energy, wave or tidal energy, fuel cells, landfill gas,  
120 hydropower that meets the low-impact standards of the Low-Impact  
121 Hydropower Institute, hydrogen production and hydrogen conversion  
122 technologies, low emission advanced biomass conversion technologies,  
123 alternative fuels, used for electricity generation including ethanol,  
124 biodiesel or other fuel produced in Connecticut and derived from  
125 agricultural produce, food waste or waste vegetable oil, provided the  
126 Commissioner of Energy and Environmental Protection determines  
127 that such fuels provide net reductions in greenhouse gas emissions  
128 and fossil fuel consumption, usable electricity from combined heat and  
129 power systems with waste heat recovery systems, thermal storage  
130 systems, other energy resources and emerging technologies which  
131 have significant potential for commercialization and which do not  
132 involve the combustion of coal, petroleum or petroleum products,  
133 municipal solid waste or nuclear fission, financing of energy efficiency  
134 projects, projects that seek to deploy electric, electric hybrid, natural  
135 gas or alternative fuel vehicles and associated infrastructure, any  
136 related storage, distribution, manufacturing technologies or facilities  
137 and any Class I renewable energy source, as defined in section 16-1.

138 (b) On and after July 1, 2004, the Public Utilities Regulatory  
139 Authority shall assess or cause to be assessed a charge of not less than  
140 one mill per kilowatt hour charged to each end use customer of electric  
141 services in this state which shall be deposited into the Clean Energy  
142 Fund established under subsection (c) of this section. Notwithstanding  
143 the provisions of this section, receipts from such charges shall be  
144 disbursed to the resources of the General Fund during the period from  
145 July 1, 2003, to June 30, 2005, unless the authority shall, on or before

146 October 30, 2003, issue a financing order for each affected distribution  
147 company in accordance with sections 16-245e to 16-245k, inclusive, to  
148 sustain funding of renewable energy investment programs by  
149 substituting an equivalent amount, as determined by the authority in  
150 such financing order, of proceeds of rate reduction bonds for  
151 disbursement to the resources of the General Fund during the period  
152 from July 1, 2003, to June 30, 2005. The authority may authorize in such  
153 financing order the issuance of rate reduction bonds that substitute for  
154 disbursement to the General Fund for receipts of both charges under  
155 this subsection and subsection (a) of section 16-245m and also may in  
156 its discretion authorize the issuance of rate reduction bonds under this  
157 subsection and subsection (a) of section 16-245m that relate to more  
158 than one electric distribution company. The authority shall, in such  
159 financing order or other appropriate order, offset any increase in the  
160 competitive transition assessment necessary to pay principal,  
161 premium, if any, interest and expenses of the issuance of such rate  
162 reduction bonds by making an equivalent reduction to the charges  
163 imposed under this subsection, provided any failure to offset all or any  
164 portion of such increase in the competitive transition assessment shall  
165 not affect the need to implement the full amount of such increase as  
166 required by this subsection and sections 16-245e to 16-245k, inclusive.  
167 Such financing order shall also provide if the rate reduction bonds are  
168 not issued, any unrecovered funds expended and committed by the  
169 electric distribution companies for renewable resource investment  
170 through deposits into the Clean Energy Fund, provided such  
171 expenditures were approved by the authority following August 20,  
172 2003, and prior to the date of determination that the rate reduction  
173 bonds cannot be issued, shall be recovered by the companies from  
174 their respective competitive transition assessment or systems benefits  
175 charge, except that such expenditures shall not exceed one million  
176 dollars per month. All receipts from the remaining charges imposed  
177 under this subsection, after reduction of such charges to offset the  
178 increase in the competitive transition assessment as provided in this  
179 subsection, shall be disbursed to the Clean Energy Fund commencing  
180 as of July 1, 2003. Any increase in the competitive transition

181 assessment or decrease in the renewable energy investment  
182 component of an electric distribution company's rates resulting from  
183 the issuance of or obligations under rate reduction bonds shall be  
184 included as rate adjustments on customer bills.

185 (c) There is hereby created a Clean Energy Fund which shall be  
186 within the [Clean Energy Finance and Investment Authority]  
187 Connecticut Green Bank. The fund may receive any amount required  
188 by law to be deposited into the fund and may receive any federal  
189 funds as may become available to the state for clean energy  
190 investments. Upon authorization of the [Clean Energy Finance and  
191 Investment Authority] Connecticut Green Bank established pursuant  
192 to subsection (d) of this section, any amount in said fund may be used  
193 for expenditures that promote investment in clean energy in  
194 accordance with a comprehensive plan developed by it to foster the  
195 growth, development and commercialization of clean energy sources,  
196 related enterprises and stimulate demand for clean energy and  
197 deployment of clean energy sources that serve end use customers in  
198 this state and for the further purpose of supporting operational  
199 demonstration projects for advanced technologies that reduce energy  
200 use from traditional sources. Such expenditures may include, but not  
201 be limited to, providing low-cost financing and credit enhancement  
202 mechanisms for clean energy projects and technologies,  
203 reimbursement of the operating expenses, including administrative  
204 expenses incurred by the [Clean Energy Finance and Investment  
205 Authority] Connecticut Green Bank and Connecticut Innovations,  
206 Incorporated, and capital costs incurred by the [Clean Energy Finance  
207 and Investment Authority] Connecticut Green Bank in connection with  
208 the operation of the fund, the implementation of the plan developed  
209 pursuant to subsection (d) of this section or the other permitted  
210 activities of the [Clean Energy Finance and Investment Authority]  
211 Connecticut Green Bank, disbursements from the fund to develop and  
212 carry out the plan developed pursuant to subsection (d) of this section,  
213 grants, direct or equity investments, contracts or other actions which  
214 support research, development, manufacture, commercialization,

215 deployment and installation of clean energy technologies, and actions  
216 which expand the expertise of individuals, businesses and lending  
217 institutions with regard to clean energy technologies.

218 (d) (1) (A) There is established the [Clean Energy Finance and  
219 Investment Authority] Connecticut Green Bank, which shall be within  
220 Connecticut Innovations, Incorporated, for administrative purposes  
221 only. The [Clean Energy Finance and Investment Authority]  
222 Connecticut Green Bank is hereby established and created as a body  
223 politic and corporate, constituting a public instrumentality and  
224 political subdivision of the state of Connecticut established and created  
225 for the performance of an essential public and governmental function.  
226 The [Clean Energy Finance and Investment Authority] Connecticut  
227 Green Bank shall not be construed to be a department, institution or  
228 agency of the state.

229 (B) The [Clean Energy Finance and Investment Authority]  
230 Connecticut Green Bank shall (i) develop separate programs to finance  
231 and otherwise support clean energy investment in residential,  
232 municipal, small business and larger commercial projects and such  
233 others as the [Clean Energy Finance and Investment Authority]  
234 Connecticut Green Bank may determine; (ii) support financing or other  
235 expenditures that promote investment in clean energy sources in  
236 accordance with a comprehensive plan developed by it to foster the  
237 growth, development and commercialization of clean energy sources  
238 and related enterprises; and (iii) stimulate demand for clean energy  
239 and the deployment of clean energy sources within the state that serve  
240 end-use customers in the state.

241 (C) The Clean Energy Finance and Investment Authority shall  
242 constitute a successor agency to Connecticut Innovations,  
243 Incorporated, for the purposes of administering the Clean Energy  
244 Fund in accordance with section 4-38d. The [Clean Energy Finance and  
245 Investment Authority] Connecticut Green Bank shall constitute a  
246 successor agency to the Clean Energy Finance and Investment  
247 Authority for purposes of administering the Clean Energy Fund in



248 accordance with section 4-38d. The Connecticut Green Bank shall have  
249 all the privileges, immunities, tax exemptions and other exemptions of  
250 Connecticut Innovations, Incorporated, with respect to said fund. The  
251 [Clean Energy Finance and Investment Authority] Connecticut Green  
252 Bank shall be subject to suit and liability solely from the assets,  
253 revenues and resources of said [authority] bank and without recourse  
254 to the general funds, revenues, resources or other assets of Connecticut  
255 Innovations, Incorporated. The [Clean Energy Finance and Investment  
256 Authority] Connecticut Green Bank may provide financial assistance  
257 in the form of grants, loans, loan guarantees or debt and equity  
258 investments, as approved in accordance with written procedures  
259 adopted pursuant to section 1-121. The [Clean Energy Finance and  
260 Investment Authority] Connecticut Green Bank may assume or take  
261 title to any real property, convey or dispose of its assets and pledge its  
262 revenues to secure any borrowing, convey or dispose of its assets and  
263 pledge its revenues to secure any borrowing, for the purpose of  
264 developing, acquiring, constructing, refinancing, rehabilitating or  
265 improving its assets or supporting its programs, provided each such  
266 borrowing or mortgage, unless otherwise provided by the board or  
267 said [authority] bank, shall be a special obligation of said [authority]  
268 bank, which obligation may be in the form of bonds, bond anticipation  
269 notes or other obligations which evidence an indebtedness to the  
270 extent permitted under this chapter to fund, refinance and refund the  
271 same and provide for the rights of holders thereof, and to secure the  
272 same by pledge of revenues, notes and mortgages of others, and which  
273 shall be payable solely from the assets, revenues and other resources of  
274 said [authority] bank and such bonds may be secured by a special  
275 capital reserve fund contributed to by the state. The [Clean Energy  
276 Finance and Investment Authority] Connecticut Green Bank shall have  
277 the purposes as provided by resolution of said [authority's] bank's  
278 board of directors, which purposes shall be consistent with this section.  
279 No further action is required for the establishment of the [Clean  
280 Energy Finance and Investment Authority] Connecticut Green Bank,  
281 except the adoption of a resolution for said [authority] bank.

282 (2) (A) The [Clean Energy Finance and Investment Authority]  
283 Connecticut Green Bank may seek to qualify as a Community  
284 Development Financial Institution under Section 4702 of the United  
285 States Code. If approved as a Community Development Financial  
286 Institution, said [authority] bank would be treated as a qualified  
287 community development entity for purposes of Section 45D and  
288 Section 1400N(m) of the Internal Revenue Code.

289 (B) Before making any loan, loan guarantee, or such other form of  
290 financing support or risk management for a clean energy project, the  
291 [Clean Energy Finance and Investment Authority] Connecticut Green  
292 Bank shall develop standards to govern the administration of said  
293 [authority] bank through rules, policies and procedures that specify  
294 borrower eligibility, terms and conditions of support, and other  
295 relevant criteria, standards or procedures.

296 (C) Funding sources specifically authorized include, but are not  
297 limited to:

298 (i) Funds repurposed from existing programs providing financing  
299 support for clean energy projects, provided any transfer of funds from  
300 such existing programs shall be subject to approval by the General  
301 Assembly and shall be used for expenses of financing, grants and  
302 loans;

303 (ii) Any federal funds that can be used for the purposes specified in  
304 subsection (c) of this section;

305 (iii) Charitable gifts, grants, contributions as well as loans from  
306 individuals, corporations, university endowments and philanthropic  
307 foundations;

308 (iv) Earnings and interest derived from financing support activities  
309 for clean energy projects backed by the [Clean Energy Finance and  
310 Investment Authority] Connecticut Green Bank;

311 (v) If and to the extent that the [Clean Energy Finance and

312 Investment Authority] Connecticut Green Bank qualifies as a  
313 Community Development Financial Institution under Section 4702 of  
314 the United States Code, funding from the Community Development  
315 Financial Institution Fund administered by the United States  
316 Department of Treasury, as well as loans from and investments by  
317 depository institutions seeking to comply with their obligations under  
318 the United States Community Reinvestment Act of 1977; and

319 (vi) The [Clean Energy Finance and Investment Authority]  
320 Connecticut Green Bank may enter into contracts with private sources  
321 to raise capital. The average rate of return on such debt or equity shall  
322 be set by the board of directors of said [authority] bank.

323 (D) The [Clean Energy Finance and Investment Authority]  
324 Connecticut Green Bank may provide financing support under this  
325 subsection if said [authority] bank determines that the amount to be  
326 financed by said [authority] bank and other nonequity financing  
327 sources do not exceed eighty per cent of the cost to develop and  
328 deploy a clean energy project or up to one hundred per cent of the cost  
329 of financing an energy efficiency project.

330 (E) The [Clean Energy Finance and Investment Authority]  
331 Connecticut Green Bank may assess reasonable fees on its financing  
332 activities to cover its reasonable costs and expenses, as determined by  
333 the board.

334 (F) The [Clean Energy Finance and Investment Authority]  
335 Connecticut Green Bank shall make information regarding the rates,  
336 terms and conditions for all of its financing support transactions  
337 available to the public for inspection, including formal annual reviews  
338 by both a private auditor conducted pursuant to subdivision (2) of  
339 subsection (f) of this section and the Comptroller, and providing  
340 details to the public on the Internet, provided public disclosure shall be  
341 restricted for patentable ideas, trade secrets, proprietary or confidential  
342 commercial or financial information, disclosure of which may cause  
343 commercial harm to a nongovernmental recipient of such financing

344 support and for other information exempt from public records  
345 disclosure pursuant to section 1-210.

346 (3) No director, officer, employee or agent of the [Clean Energy  
347 Finance and Investment Authority] Connecticut Green Bank, while  
348 acting within the scope of his or her authority, shall be subject to any  
349 personal liability resulting from exercising or carrying out any of the  
350 [Clean Energy Finance and Investment Authority's] Connecticut Green  
351 Bank's purposes or powers.

352 (e) The powers of the [Clean Energy Finance and Investment  
353 Authority] Connecticut Green Bank shall be vested in and exercised by  
354 a board of directors, which shall consist of eleven voting and two  
355 nonvoting members each with knowledge and expertise in matters  
356 related to the purpose and activities of said [authority] bank appointed  
357 as follows: The Treasurer or the Treasurer's designee, the  
358 Commissioner of Energy and Environmental Protection or the  
359 commissioner's designee and the Commissioner of Economic and  
360 Community Development or the commissioner's designee, each  
361 serving ex officio, one member who shall represent a residential or  
362 low-income group appointed by the speaker of the House of  
363 Representatives for a term of four years, one member who shall have  
364 experience in investment fund management appointed by the minority  
365 leader of the House of Representatives for a term of three years, one  
366 member who shall represent an environmental organization appointed  
367 by the president pro tempore of the Senate for a term of four years,  
368 and one member who shall have experience in the finance or  
369 deployment of renewable energy appointed by the minority leader of  
370 the Senate for a term of four years. Thereafter, such members of the  
371 General Assembly shall appoint members of the board to succeed such  
372 appointees whose terms expire and each member so appointed shall  
373 hold office for a period of four years from the first day of July in the  
374 year of his or her appointment. The Governor shall appoint four  
375 members to the board as follows: Two for two years who shall have  
376 experience in the finance of renewable energy; one for four years who

377 shall be a representative of a labor organization; and one who shall  
378 have experience in research and development or manufacturing of  
379 clean energy. Thereafter, the Governor shall appoint members of the  
380 board to succeed such appointees whose terms expire and each  
381 member so appointed shall hold office for a period of four years from  
382 the first day of July in the year of his or her appointment. The  
383 president of the [Clean Energy Finance and Investment Authority]  
384 Connecticut Green Bank shall be elected by the members of the board.  
385 The president of the [Clean Energy Finance and Investment Authority]  
386 Connecticut Green Bank and a member of the board of Connecticut  
387 Innovations, Incorporated, appointed by the chairperson of the  
388 corporation shall serve on the board in an ex-officio, nonvoting  
389 capacity. The Governor shall appoint the chairperson of the board. The  
390 board shall elect from its members a vice chairperson and such other  
391 officers as it deems necessary and shall adopt such bylaws and  
392 procedures it deems necessary to carry out its functions. The board  
393 may establish committees and subcommittees as necessary to conduct  
394 its business.

395 (f) (1) The board shall issue annually a report to the Department of  
396 Energy and Environmental Protection reviewing the activities of the  
397 [Clean Energy Finance and Investment Authority] Connecticut Green  
398 Bank in detail and shall provide a copy of such report, in accordance  
399 with the provisions of section 11-4a, to the joint standing committees of  
400 the General Assembly having cognizance of matters relating to energy  
401 and commerce. The report shall include a description of the programs  
402 and activities undertaken during the reporting period jointly or in  
403 collaboration with the Energy Conservation and Load Management  
404 Funds established pursuant to section 16-245m.

405 (2) The Clean Energy Fund shall be audited annually. Such audits  
406 shall be conducted with generally accepted auditing standards by  
407 independent certified public accountants certified by the State Board of  
408 Accountancy. Such accountants may be the accountants for the [Clean  
409 Energy Finance and Investment Authority] Connecticut Green Bank.

410 (3) Any entity that receives financing for a clean energy project from  
411 the fund shall provide the board an annual statement, certified as  
412 correct by the chief financial officer of the recipient of such financing,  
413 setting forth all sources and uses of funds in such detail as may be  
414 required by the authority of such project. The [Clean Energy Finance  
415 and Investment Authority] Connecticut Green Bank shall maintain any  
416 such audits for not less than five years. Residential projects for  
417 buildings with one to four dwelling units are exempt from this and  
418 any other annual auditing requirements, except that residential  
419 projects may be required to grant their utility companies' permission to  
420 release their usage data to the [Clean Energy Finance and Investment  
421 Authority] Connecticut Green Bank.

422 (g) There shall be a joint committee of the Energy Conservation  
423 Management Board and the [Clean Energy Finance and Investment  
424 Authority] Connecticut Green Bank board of directors, as provided in  
425 subdivision (2) of subsection (d) of section 16-245m.

426 (h) (1) (A) Wherever the term "Clean Energy Finance and  
427 Investment Authority" is used in the following general statutes, the  
428 term "Connecticut Green Bank" shall be substituted in lieu thereof: 1-  
429 79, 1-120, 1-124, 1-125, 7-233z, 16-244c, 16-245m, 16-245aa, 16-245bb, 16-  
430 245ee, 16-245ff, 16-245hh, 16-245kk, 16-245ll, 16-245mm, 16a-40d to  
431 16a-40g, inclusive, as amended by this act, 16a-40l, 16a-40m, 22a-200c  
432 and 32-141.

433 (B) Wherever the term "authority" is used in the following general  
434 statutes, the term "bank" shall be substituted in lieu thereof: 16-245aa,  
435 16-245ff, 16-245hh, 16-245kk, 16-245ll, 16-245mm and 16a-40e to 16a-  
436 40g, inclusive, as amended by this act.

437 (2) Wherever the term "Clean Energy Finance and Investment  
438 Authority" is used in any public or special act of 2014, the term  
439 "Connecticut Green Bank" shall be substituted in lieu thereof.

440 (3) The Legislative Commissioners' Office shall, in codifying the

441 provisions of this section, make such technical, grammatical and  
442 punctuation changes as are necessary to carry out the purposes of this  
443 section.

444 Sec. 6. Subsection (a) of section 16-243p of the 2014 supplement to  
445 the general statutes is repealed and the following is substituted in lieu  
446 thereof (*Effective from passage*):

447 (a) An electric distribution company may recover its costs and  
448 investments that have been prudently incurred as well as its revenues  
449 lost resulting from the provisions of sections 16-1, 16-19ff, 16-50k, 16-  
450 50x, 16-243h to 16-243q, inclusive, 16-244c, 16-244e, 16-244u, 16-245d,  
451 16-245m, 16-245n, as amended by this act, 16-245z, [and] 16-262i and  
452 16a-40m and section 21 of public act 05-1 of the June special session.  
453 The Public Utilities Regulatory Authority shall, after a hearing held  
454 pursuant to the provisions of chapter 54, determine the appropriate  
455 mechanism to obtain such recovery in a timely manner which  
456 mechanism may be one or more of the following: (1) Approval of rates  
457 as provided in sections 16-19 and 16-19e; (2) the energy adjustment  
458 clause as provided in section 16-19b; or (3) the federally mandated  
459 congestion charges, as defined in section 16-1.

460 Sec. 7. Section 16a-3f of the 2014 supplement to the general statutes  
461 is repealed and the following is substituted in lieu thereof (*Effective*  
462 *from passage*):

463 On or after January 1, 2013, the Commissioner of Energy and  
464 Environmental Protection, in consultation with the procurement  
465 manager identified in subsection (l) of section 16-2, the Office of  
466 Consumer Counsel and the Attorney General, [may] shall, in  
467 coordination with other states in the region of the regional  
468 independent system operator, as defined in section 16-1, or on the  
469 commissioner's own, solicit proposals, in one solicitation or multiple  
470 solicitations, from providers of Class I renewable energy sources, as  
471 defined in section 16-1, constructed on or after January 1, 2013. If the  
472 commissioner finds such proposals to be in the interest of ratepayers

473 including, but not limited to, the delivered price of such sources, and  
474 consistent with the requirements to reduce greenhouse gas emissions  
475 in accordance with section 22a-200a, and in accordance with the policy  
476 goals outlined in the Comprehensive Energy Strategy, adopted  
477 pursuant to section 16a-3d, the commissioner [may] shall select  
478 proposals from such resources to meet up to four per cent of the load  
479 distributed by the state's electric distribution companies. The  
480 commissioner [may] shall direct the electric distribution companies to  
481 enter into power purchase agreements for energy, capacity and  
482 environmental attributes, or any combination thereof, for periods of  
483 not more than twenty years. Certificates issued by the New England  
484 Power Pool Generation Information System for any Class I renewable  
485 energy sources procured under this section shall be sold in the New  
486 England Power Pool Generation Information System renewable energy  
487 credit market to be used by any electric supplier or electric distribution  
488 company to meet the requirements of section 16-245a. Any such  
489 agreement shall be subject to review and approval by the Public  
490 Utilities Regulatory Authority, which review shall commence upon the  
491 filing of the signed power purchase agreement with the authority. The  
492 authority shall issue a decision on such agreement not later than thirty  
493 days after such filing. In the event the authority does not issue a  
494 decision within thirty days after such agreement is filed with the  
495 authority, the agreement shall be deemed approved. The net costs of  
496 any such agreement shall be recovered through a fully reconciling  
497 component of electric rates for all customers of electric distribution  
498 companies. Such costs may include reasonable costs incurred by  
499 electric distribution companies pursuant to this section.

500 Sec. 8. Section 16-345 of the general statutes is repealed and the  
501 following is substituted in lieu thereof (*Effective October 1, 2015*):

502 As used in this chapter:

503 [(a)] (1) "Person" means an individual, partnership, corporation,  
504 limited liability company or association, including a person engaged as  
505 a contractor by a public agency but excluding a public agency.



506 [(b)] (2) "Public agency" means the state or any political subdivision  
507 thereof, including any governmental agency.

508 [(c)] (3) "Public utility" means the owner or operator of  
509 underground facilities for furnishing electric, gas, telephone, telegraph,  
510 communications, pipeline, sewage, water, community television  
511 antenna, steam, [or] traffic signal, fire signal or similar service,  
512 including a municipal or other public owner or operator. A public  
513 utility does not include the owner of facilities for utility service solely  
514 for such owner's private residence.

515 [(d)] (4) "Central clearinghouse" means the [group of] organization  
516 organized and operated by public utilities [formed] pursuant to section  
517 16-348, as amended by this act, for the purposes of receiving and  
518 giving notice of excavation, discharge of explosives and demolition  
519 activity within the state.

520 [(e)] (5) "Excavation" means an operation for the purposes of  
521 movement or removal of earth, rock or other materials in or on the  
522 ground, or otherwise disturbing the subsurface of the earth, by the use  
523 of powered or mechanized equipment, including but not limited to  
524 digging, blasting, auguring, back filling, test boring, drilling, pile  
525 driving, grading, plowing-in, hammering, pulling-in, trenching, [and]  
526 tunneling, dredging, reclamation processes and milling; excluding [the  
527 movement of earth by tools manipulated only by human or animal  
528 power and] the tilling of soil for agricultural purposes. For the  
529 purposes of this subdivision, dredging does not include dredging  
530 associated with the production and harvesting of aquaculture crops.

531 [(f)] (6) "Demolition" means the wrecking, razing, rending, moving  
532 or removing of any structure.

533 [(g)] (7) "Damage" includes, but is not limited to, the substantial  
534 weakening of structural or lateral support of a utility [line] facility such  
535 that the continued integrity of such utility facility is imperiled,  
536 penetration or destruction of any utility [line] facility protective

537 coating, housing or other protective device or the severance, partial or  
538 complete, of any utility [line] facility.

539 [(h)] (8) ["Approximate location of underground facilities"]  
540 "Approximate location of an underground utility facility" means a strip  
541 of land not more than three feet wide centered on the actual location of  
542 an underground utility facility or a strip of land extending not more  
543 than one and one-half feet on either side of the actual location of an  
544 underground [facilities] utility facility.

545 Sec. 9. Section 16-346 of the 2014 supplement to the general statutes  
546 is repealed and the following is substituted in lieu thereof (*Effective*  
547 *October 1, 2015*):

548 No person, public agency or public utility shall engage in  
549 excavation, [or] discharge of explosives [at or near the location of a  
550 public utility underground facility or demolish a structure located at or  
551 near or containing a public utility facility] or demolition without  
552 having first ascertained the location of all underground facilities of  
553 public utilities in the area of such excavation, discharge or demolition  
554 in the manner prescribed in this chapter and in such regulations as the  
555 [authority] Public Utilities Regulatory Authority shall adopt pursuant  
556 to section 16-357.

557 Sec. 10. Section 16-347 of the general statutes is repealed and the  
558 following is substituted in lieu thereof (*Effective October 1, 2015*):

559 A public utility shall [file] register with the [Public Utilities  
560 Regulatory Authority the location of its] central clearinghouse the  
561 geographic areas in which it owns or operates underground facilities,  
562 [except facilities for storm sewers,] by reference to a standard [grid]  
563 mapping system, to be established by the [authority] central  
564 clearinghouse, and the title, address and telephone number of its  
565 representative designated to receive the notice required by section 16-  
566 349, as amended by this act.

567 Sec. 11. Section 16-348 of the general statutes is repealed and the

568 following is substituted in lieu thereof (*Effective October 1, 2015*):

569 The public utilities of the state shall, under the direction of the  
570 Public Utilities Regulatory Authority, organize and operate a central  
571 clearinghouse within the state for receiving and giving the notices  
572 required by section 16-349, as amended by this act. The authority shall  
573 apportion the cost of this service equitably among the public utilities,  
574 [for those underground facilities registered with the authority, as  
575 provided in section 16-347, except sanitary sewer or water facilities  
576 owned or operated by] except a city, town or borough that owns or  
577 operates only a sanitary sewer or water facilities.

578 Sec. 12. Section 16-349 of the general statutes is repealed and the  
579 following is substituted in lieu thereof (*Effective October 1, 2015*):

580 Except as provided in section 16-352, as amended by this act, a  
581 person, public agency or public utility responsible for excavating, [or]  
582 discharging explosives [at or near the location of public utility  
583 facilities] or demolishing [a structure containing a public utility  
584 facility] shall notify the central clearinghouse of such proposed  
585 excavation, discharge or demolition [, orally or in writing, at least two  
586 full days, excluding Saturdays, Sundays and holidays, but not more  
587 than thirty days before commencing such excavation, demolition or  
588 discharge of explosives] in the manner prescribed by regulations  
589 adopted pursuant to section 16-357. Such notice shall include the  
590 name, address and telephone number of the [entity giving notice, the  
591 name of the] person, public agency or public utility performing the  
592 [work] excavation, discharge of explosives or demolition and the date,  
593 location and type of excavation, demolition or discharge of explosives.  
594 The central clearinghouse shall immediately transmit such information  
595 to the public utilities whose facilities may be affected. In the event the  
596 proposed excavation, demolition or discharge of explosives has not  
597 [commenced] been completed within [thirty days] the allotted time  
598 frame prescribed by regulation of such notification, or the excavation,  
599 demolition or discharge of explosives will be expanded outside of the  
600 location originally specified in such notification, the person, public

601 agency or public utility responsible for such excavation, demolition or  
602 discharge of explosives shall again notify the central clearinghouse [at  
603 least two full days, excluding Saturdays, Sundays and holidays, but  
604 not more than thirty days before commencing or expanding such  
605 excavation, demolition or discharge of explosives] in the manner  
606 prescribed by regulations adopted pursuant to section 16-357.

607 Sec. 13. Section 16-351 of the 2014 supplement to the general statutes  
608 is repealed and the following is substituted in lieu thereof (*Effective*  
609 *October 1, 2015*):

610 A public utility receiving notice pursuant to section 16-349, as  
611 amended by this act, shall inform the person, public agency or public  
612 utility proposing to excavate, discharge explosives or demolish [a  
613 structure] of the approximate location of its underground facilities in  
614 the area in such manner as will enable such person, public agency or  
615 public utility to establish the [precise] actual location of the  
616 underground facilities, and shall provide such other assistance in  
617 establishing the [precise] actual location of the underground facilities  
618 as the authority may require by [regulation] regulations adopted  
619 pursuant to section 16-357. Such person, public agency or public utility  
620 shall designate the area of the proposed excavation, demolition or  
621 discharge of explosives as the authority may prescribe by [regulation]  
622 regulations adopted pursuant to section 16-357. The public utility  
623 receiving notice shall mark the approximate location of its  
624 underground facilities in such manner and using such methods,  
625 including color coding, as the authority may prescribe by [regulation]  
626 regulations adopted pursuant to section 16-357. If the [precise] actual  
627 location of the underground facilities cannot be established, the  
628 person, public agency or public utility shall so notify the public utility  
629 whose facilities may be affected, which shall provide such further  
630 assistance as may be needed to determine the [precise] actual location  
631 of the underground facilities in advance of the proposed excavation,  
632 discharge of explosives or demolition.

633 Sec. 14. Section 16-352 of the general statutes is repealed and the

634 following is substituted in lieu thereof (*Effective October 1, 2015*):

635 (a) In case of emergency involving danger to life, health or property  
636 or which requires immediate correction to continue the operation of a  
637 major industrial plant, or to assure the continuity of public utility  
638 service, excavation or demolition without explosives may be made  
639 without [the two day] notice required by section 16-349, as amended  
640 by this act, provided notice thereof [by telephone] is given as soon as  
641 reasonably possible.

642 (b) In case of an emergency involving an immediate and substantial  
643 danger of death or serious personal injury, explosives may be  
644 discharged if notice thereof is given at any time before discharge.

645 Sec. 15. Section 16-354 of the 2014 supplement to the general statutes  
646 is repealed and the following is substituted in lieu thereof (*Effective*  
647 *October 1, 2015*):

648 A person, public agency or public utility responsible for excavating,  
649 discharging explosives or demolition shall exercise reasonable care  
650 when working in proximity to the underground facilities of any public  
651 utility and shall comply with such safety standards and other  
652 requirements as the authority shall prescribe by [regulation]  
653 regulations adopted pursuant to section 16-357. If the facilities are  
654 likely to be exposed, such support shall be provided as may be  
655 reasonably necessary for protection of the facilities. If [gas facilities are  
656 likely to be exposed] excavation is within the approximate location of  
657 facilities containing combustible or hazardous fluids or gases, only  
658 hand digging or soft digging shall be employed. As used in this  
659 section, "soft digging" means a nonmechanical and nondestructive  
660 process used to excavate and evacuate soils at a controlled rate, using  
661 high pressure water or air jet to break up the soil, often in conjunction  
662 with a high power vacuum unit to extract the soil without damaging  
663 the facilities.

664 Sec. 16. Section 16-355 of the general statutes is repealed and the

665 following is substituted in lieu thereof (*Effective October 1, 2015*):

666 When any contact is made with or any damage is suspected or done  
667 to any underground facility of a public utility, the person, public  
668 agency or public utility responsible for the operations causing the  
669 contact, suspected damage or damage shall immediately notify the  
670 public utility whose facilities have been affected, which shall dispatch  
671 its own personnel as soon as reasonably possible to inspect the  
672 underground facility and, if necessary, effect temporary or permanent  
673 repairs. If a serious electrical short is occurring or if dangerous fluids  
674 or gas are escaping from a broken line, the person, public agency or  
675 public utility responsible for the operations causing the damage shall  
676 alert all persons within the danger area and take all feasible steps to  
677 insure the public safety pending the arrival of repair personnel. As  
678 used in this section, "contact" includes, without limitation, the striking,  
679 scraping or denting, however slight, of any underground utility  
680 facility, [the structural or lateral support of an underground utility line  
681 and] including any underground utility [line] facility protective  
682 coating, housing or other protective device. "Contact" does not include  
683 damage, as defined in section 16-345, as amended by this act.

684 Sec. 17. Section 16-356 of the general statutes is repealed and the  
685 following is substituted in lieu thereof (*Effective October 1, 2015*):

686 Any person, public agency or public utility which the Public  
687 Utilities Regulatory Authority determines, after notice and  
688 opportunity for a hearing as provided in section 16-41, to have failed to  
689 comply with any provision of this chapter or any regulation adopted  
690 under section 16-357 shall forfeit and pay to the state a civil penalty of  
691 not more than forty thousand dollars, provided any violation  
692 involving the failure of a public utility to mark [the] any approximate  
693 location of an underground [facilities] utility facility correctly or within  
694 the timeframes prescribed by regulation, which violation did not result  
695 in any property damage or personal injury and was not the result of an  
696 act of gross negligence on the part of the public utility, shall not result  
697 in a civil penalty of more than one thousand dollars. Notwithstanding

698 the provisions contained in subsection (d) of section 16-41, the person,  
699 public agency or public utility receiving a notice of violation pursuant  
700 to subsection (c) of section 16-41 shall have thirty days from the date of  
701 receipt of the notice in which to deliver to the authority a written  
702 application for a hearing.

703 Sec. 18. (NEW) (*Effective from passage*) The Public Utilities Regulatory  
704 Authority may, upon application of a water company, as defined in  
705 section 16-1 of the general statutes, order such water company to  
706 extend its system to serve properties that the authority determines are  
707 served by a deficient well system, as described in subdivision (2) of  
708 subsection (a) of section 16-262n of the general statutes, as amended by  
709 this act, if the authority determines that the net costs of extending  
710 water service are reasonable. The cost recovery, rates and charges of  
711 such extension shall be treated in the same manner as provided for  
712 acquisitions pursuant to section 16-262o or 16-262s of the general  
713 statutes.

714 Sec. 19. Subsection (a) of section 16-262n of the general statutes is  
715 repealed and the following is substituted in lieu thereof (*Effective from*  
716 *passage*):

717 (a) As used in this section, sections 16-262o to 16-262q, inclusive,  
718 and section 16-262s, "water company" means either (1) a corporation,  
719 company, association, joint stock association, partnership,  
720 municipality, other entity or person, or lessee thereof, owning, leasing,  
721 maintaining, operating, managing or controlling any pond, lake,  
722 reservoir, stream, well or distributing plant or system employed for  
723 the purpose of supplying water to not less than two service  
724 connections or twenty-five persons, or (2) a deficient well system  
725 serving existing properties within a defined geographic area with not  
726 less than twenty-five persons served by private wells that (A) do not  
727 meet public health standards for potable water, (B) have had funding  
728 discontinued for filters provided pursuant to subsection (a) of section  
729 22a-471 to respond to documented groundwater contamination, (C)  
730 are otherwise unable to serve the existing properties with adequate

731 water quality, volume or pressure, or (D) limit the on-site resolution of  
 732 documented wastewater disposal issues in the system.

733 Sec. 20. (*Effective from passage*) The Public Utilities Regulatory  
 734 Authority shall study the feasibility of allowing a nonprofit entity to  
 735 aggregate electric meters that are billable to such entity. The study  
 736 shall include, but not be limited to, potential costs and benefits to  
 737 electric ratepayers for allowing such aggregation. On or before January  
 738 1, 2015, the authority shall report the findings of such study and any  
 739 recommended statutory changes to the joint standing committee of the  
 740 General Assembly having cognizance of matters relating to energy, in  
 741 accordance with the provisions of section 11-4a of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	16a-48(g)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	16a-40g(a)
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	16-245n
Sec. 6	<i>from passage</i>	16-243p(a)
Sec. 7	<i>from passage</i>	16a-3f
Sec. 8	<i>October 1, 2015</i>	16-345
Sec. 9	<i>October 1, 2015</i>	16-346
Sec. 10	<i>October 1, 2015</i>	16-347
Sec. 11	<i>October 1, 2015</i>	16-348
Sec. 12	<i>October 1, 2015</i>	16-349
Sec. 13	<i>October 1, 2015</i>	16-351
Sec. 14	<i>October 1, 2015</i>	16-352
Sec. 15	<i>October 1, 2015</i>	16-354
Sec. 16	<i>October 1, 2015</i>	16-355
Sec. 17	<i>October 1, 2015</i>	16-356
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	16-262n(a)
Sec. 20	<i>from passage</i>	New section



***Statement of Legislative Commissioners:***

In sections 3(a)(10) and 4, the "Clean Energy Finance and Investment Authority" was changed to the "Connecticut Green Bank" for internal consistency. In section 5(d)(1)(C), the first sentence was revised and the second sentence was added, for clarity and statutory consistency.

***ET***            *Joint Favorable Subst.*